
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

-04
Criminal No. 19-134 (FLW)

CONTINUANCE ORDER

vs.

JEROME ROBERTS,
DAVID ANTONIO,
BRIAN PHELPS;
TIMOTHY WIMBUSH,
TAQUAN WILLIAMS;
JUBRI WEST;
DENNIS CHESTON, JR.; and
WAYNE K. BUSH;

This matter having come before the Court on the motion of Craig Carpenito, United States Attorney for the District of New Jersey (by J. Brendan Day and Alexander Ramey, Assistant United States Attorneys) for an order under the Speedy Trial Act ("STA") granting a continuance of the proceedings as to defendant Wayne K. Bush in the above-captioned matter for ninety (90) days from the date this Order is signed; and two prior continuances having been entered; and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued as to defendant Bush for the following reasons:

(1) On March 27, 2019, following briefing and oral argument, this Court granted the United States' motion for a continuance as to defendant

Bush, finding that there was good cause for such a continuance based on a reasonable period of co-defendant delay. The continuance order entered by the Court as to defendant Bush expired on June 13, 2019.

(2) On June 25, 2019, the Court entered a second continuance order as to defendant Bush, finding that there was good cause for such a continuance based on a reasonable period of co-defendant delay. The continuance order entered by the Court as to defendant Bush expired on September 23, 2019.

(3) On August 8, 2019, a grand jury returned a 15-count Second Superseding Indictment charging defendant Bush and eight other defendants with, *inter alia*, conspiracy to distribute and possession with intent to distribute one kilogram or more of heroin.

(4) Beginning on September 14, 2019, defendants David Antonio, Timothy Wimbush, Taquan Williams, Jubri West filed various motions, which remain pending at this time. Under § 3161(h)(1)(D) of the STA, the 70-day speedy trial clock as to these defendants presently is tolled as a result of these pending motions.

(5) Section 3161(h)(6) of the STA excludes “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.” Because defendant Bush is joined for trial with his codefendants and the Court finds a period of delay of ninety (90) days reasonable as to defendant Bush

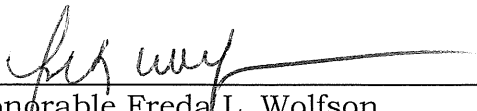
while his co-defendants' motions remain pending, a further continuance under § 3161(h)(6) as to defendant Bush is appropriate.

(6) This multi-defendant case arose from an extensive investigation and has been designated a case involving complex discovery. The government has substantially completed the production of Rule 16 discovery and dispositive motion practice is underway. The Court anticipates that a trial in this matter will be held on or before July 2020, and finds that defendant Bush will suffer no prejudice to his ability to defend against the charges and will not face excessive pretrial incarceration. In light of the procedural posture of the case, the interest in holding a joint trial in this multi-defendant conspiracy case, and the interest in conserving judicial resources, as well as the lack of prejudice to defendant Bush, such a period of delay is reasonable under 18 U.S.C. § 3161(h)(6).

WHEREFORE, it is on this 21st day of November, 2019;

ORDERED that the proceedings in the above-captioned matter are continued as to defendant Wayne K. Bush under the STA, 18 U.S.C. § 3161(h)(6), for a period of ninety (90) calendar days from the date that this Order is signed.

IT IS FURTHER ORDERED that the period of ninety (90) calendar days from the date of this Order shall be excludable in computing the 70 days within which defendant Wayne K. Bush is entitled to proceed to trial under the STA.



Honorable Freda L. Wolfson
United States District Judge